**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.5910 OF 1997**

Dattatraya Dhondiba Choundhe ... Petitioner.

Versus

The Collector, District-Pune and ors. .. Respondents.

**WITH**

**CIVIL APPLICATION NO.7058 OF 1998**
IN
**WRIT PETITION NO.5910 OF 1997**

Dattatraya Dhondiba Choundhe .... Applicant

Versus

1.The Collector, District-Pune

2.State of Maharashtra
(through the Secretary, Revenue
Department, Mantralaya,
Mumbai 400 032.

3.Harishchandra Gopal Choundhe
Adult, residign at Padma Hsg.
Socy, 689/4/2 Bibwe Wadi,
Pune 411 057 ..... Respondents.

Shri R.D.Soni for M/s Ram and Company for the petitioner.
Shri A.A.Kumbhakoni, Associate Advocate General for Respondent Nos. 1 and 2.
None for respondent No.3.

**CORAM: R.M.S.KHANDEPARKAR &**
**V.M.KANADE,JJ.**

**DATE : 14th October, 2005.**

P.C.

1. The present petition has been filed seeking relief for restoration of vacant and peaceful possession of land which was stated to have been acquired but is not presently needed for the purpose for which it was sought to be acquired. During the pendency of the petition it was, however, sought to be contended that the land in occupation of Government is being illegally possessed and without being acquired or purchased. As there was no proper information forthcoming from the respondents in the matter, taking advantage of the presence of Shri Kumbhkoni, Associate Advocate General in the Court in another matter, we requested Shri Kumbhkoni to look into the matter and to assist us. Consequently, a note has been placed on record regarding factual position in the matter and it has been brought to our notice by Shri Kumbhakoni that the land in respect of which the possession is sought for, forms part of land purchased by the Government under the Sale Deed. In the facts and circumstances of the case, therefore, which involve a disputed question of facts, the learned advocate for the petitioner, on taking instructions from the Petitioner, sought leave to withdraw the petition to pursue

appropriate remedy. The question of granting such liberty does not arise. Needless to say that the petitioner is free to take appropriate remedy in the matter. The petition, however, is allowed to be withdrawn alongwith the Civil Application No.7058 of 1998. The petition alongwith Civil Application stands withdrawn. The rule stands discharged. Interim relief stands vacated. Before we part with the order we would like to express our full appreciation for the prompt assistance given to us by Shri Kumbhakoni pursuant to our request. We have not expressed any opinion on any of the points sought to be raised in the matter. Order accordingly.

**(R.M.S.KHANDEPARKAR,J)**

**(V.M.KANADE,J)**